

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

CAROLINE HARPER and COLE
ULRICH, individually and on behalf of
all others similarly situated,

Plaintiffs,

v.

GENERAL MOTORS LLC,

Defendant.

Civil Action No. 2:21-cv-12907

Hon. David M. Lawson
Mag. Judge David R. Grand

JOINT STIPULATION TO STAY FURTHER PROCEEDINGS

Plaintiffs and General Motors LLC (“GM”), by and through their respective counsel of record, have met, conferred, and stipulate as follows:

1. Plaintiffs Caroline Harper and Cole Ulrich filed their Complaint on December 13, 2021. ECF No. 1. On February 14, 2022, GM moved to compel each Plaintiff to arbitration. ECF No. 9. On February, 25, 2022, Plaintiffs filed a notice that the plaintiffs in *Speerly v. General Motors LLC*, 19-11004 (E.D. Mich.) had moved to consolidate this case with their own. ECF No. 14.

2. On March 21, 2023, the Court granted GM’s motion to compel each Plaintiff to arbitration, and administratively closed this case. ECF No. 41.

3. On the same day, in the *Speerly* action, the Court granted those

plaintiffs' motion for class certification and denied their motion to consolidate these plaintiffs' claims into that action. *See Speerly v. Gen. Motors LLC*, 19-11004, ECF Nos. 284, 285 (E.D. Mich. Mar. 21, 2023).

4. Also in the *Speerly* action, on April 3, 2023, GM filed a Rule 23(f) petition for permission for immediate review of the class certification order. The Sixth Circuit granted GM's petition on October 23, 2023. *See In re: General Motors, LLC*, Case No. 23-0104, ECF No. 20-2 (6th Cir. Oct. 23, 2023). GM filed its opening merits brief on February 14, 2024. *See Speerly v. Gen. Motors LLC*, Appeal No. 23-1940, ECF No. 24 (6th Cir. Feb. 14, 2024). The *Speerly* plaintiffs' response is due April 17, 2024.

5. On October 24, 2023, the Sixth Circuit also granted a petition to review certification of classes of automotive purchasers under the laws of 10 states, including California. *See In re Nissan N. Am., Inc. Litig.*, Case No. 23-0501, ECF No. 24-2 (6th Cir. Oct. 24, 2023). Nissan filed its opening merits brief on January 26, 2024. *In re Nissan N. Am., Inc. Litig.*, Appeal No. 23-5950, ECF No. 36 (6th Cir. Jan. 26, 2024). The *Nissan* plaintiffs' response brief is currently due on March 27, 2024.

6. On November 17, 2023, GM and the *Speerly* plaintiffs jointly requested that the Court stay all further proceedings until the Sixth Circuit rules on the merits of GM's appeal and Nissan's appeal, both of which are expected to provide guidance

to district courts overseeing automotive-defect class actions. *See Speerly*, ECF No. 297. The Court granted the stay request, holding that the “pendency of [GM’s] interlocutory appeal divests this Court of jurisdiction to address any aspects of the case implicating the issues on appeal,” and staying the proceedings pending the outcome of GM’s appeal. *Speerly*, ECF No. 298, PageID.20599.

7. On February 21, 2024, following an arbitrator’s award finding that GM could not elect to arbitrate its dispute with Plaintiff Ulrich, Plaintiffs moved to administratively reopen this case and schedule a status conference to discuss the next steps in the litigation, including whether and how this case could be consolidated with the *Speerly* case. *See* ECF No. 43. Plaintiffs’ motion noted that while Mr. Urlich had received an arbitration award, Ms. Harper’s arbitration claim was unresolved. *Id.*, PageID.551.

8. On March 6, 2024, GM filed its response in which it stated that while it did not oppose administratively reopening the case nor scheduling a status conference, it believed the most appropriate course of action was to stay proceedings. *See* ECF No. 44. GM confirmed its position that Ms. Harper has been compelled to arbitration and that it stands ready to arbitrate if and when she elects to pursue her claim. *Id.*, PageID.583.

9. On March 14, 2024, the Court granted plaintiffs’ motion to administratively reopen the case and scheduled a March 26, 2024 status conference

to “determine an appropriate path forward for this litigation.” ECF No. 45, PageID.586.

10. On March 22, 2023, the status conference was reset for April 3, 2024.

11. In advance of the April 3, 2024 status conference, the parties have met and conferred to discuss their positions on appropriate path forward for this litigation. After discussion, the parties agree that further proceedings in this case should be stayed until the Sixth Circuit rules on GM’s *Speeरly* appeal, because the appeal is likely to provide guidance to the Court and the parties on issues relevant to discovery and class certification issues in this case.

12. The parties further agree that the most prudent course is to wait until the *Speeरly* appeal is remanded to revisit the question of whether this case should be consolidated with *Speeरly*. As the Court’s *Speeरly* stay order recognizes, the Sixth Circuit has largely divested it of jurisdiction to address “any aspects of the case implicating the issues on appeal.” *Speeरly*, ECF No. 298, PageID.20599. Moreover, the outcome of the *Speeरly* appeal may alter the Court’s consolidation analysis.

13. Finally, deferring the consolidation question will also provide sufficient time for GM and Ms. Harper to arbitrate her claims.

14. For the Court’s consideration and for discussion at the upcoming status conference, the parties hereby submit a proposed order to stay further proceedings in this case.

April 1, 2024

Respectfully submitted,

/s/ Douglas McNamara (with consent)

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